

COMMENTS

The Examiner has objected to Claim 9 as having a misspelled word. The misspelled word has been amended to the proper spelling.

The Examiner has rejected Claims 1-5 and 8-13 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The preamble of Claim 1 has been amended to give the claim a proper physical basis. The claim as amended now provides a useful, tangible, and concrete result as described in the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility as cited by the Examiner. Claims 2-5 and 8 now depend on allowable Claim 1 and are believed to be condition of allowance. The basis in the specification for the amendment is found in the second paragraph on page 7 (under "Detailed Description"), "Those skilled in the art will recognize that an apparatus, such as a data processing system, including a CPU, memory, I/O, program storage, a connecting bus and other appropriate component could be programmed or otherwise designed to facilitate the practice of the invention."

The preamble of Claim 9 has been amended to include a computer program product having instructions tangibly recorded thereon. The basis for this amendment is described in paragraph 3 of the specification: "An article of manufacture, such as a pre-recorded disk or other similar computer program product for use with a data processing system, could include a storage medium and program means recorded thereon for directing the data processing system to facilitate the practice of the method of the invention." Claims 10-13 (dependent on Claim 9) have been amended to properly reflect the amended Claim 9. The rejection under 35 U.S.C 101 is now believed to be overcome in the amended Claims 9-13.

The Examiner has rejected Claim 14 under 35 U.S.C. 103(a) as being unpatentable over Battat et al (US 5,958,012) in view of Moore et al (US Pub 2003/0200390) in further view of Dere (US 5,802,286). The Examiner has also suggested that a claim element stating “utilizing information gathered in the generating of prior SAN topology perspectives by the SAN management program from memory in the SAN management program allocated for that purpose” would render the claim allowable. Accordingly Claim 14 has been so amended.

Applicants wish to thank the Examiner for an interview on 02/01/2011 during which agreement was reached on the above mentioned items.

CONCLUSION

Applicants believe the claims in their present form are allowable over the prior art and respectfully request reconsideration.

Respectfully submitted,

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